That the

BISHOPS

IN

ENGLAND

May and Ought to Vote in

Cases of Blood.

Written in the Late Times upon occasion of the Earl of *Straffords* Case.

By a Learned Pen of the [illegible] Bp of Lincoln, Dr William
Corrected, & supplied out of his own Copy, & inserted into his Life by Dr Hacket

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With some

ANSWERS to the OBJECTIONS
of the then Bishop of *Lincoln*,

AGAINST

Bishops Voting in *PARLIAMENT.*

LONDON, Printed for *Walter Davis*, 1680.

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TO THE READER.

Reader,

THis Discourse was Written by a Learned ~~Gentleman of the Long Robe,~~ Bishop at the beginning of the late troubles in the Case of the Earl of Strafford, but never Printed.

The same Question being started afresh, and the consideration of it revived upon the like Occasion, it is thought fit to be Published now.

If it minister any satisfaction to the Reader in the Case the Publisher has his end.

That Biſhops in England *may and ought to Vote* in Cauſa Sanguinis, *and that they were never Inhibited by any Law of this Land, or the Lay-Peers ſo to do, before this time, and that their voluntary forbearance heretofore to ſentence in this Caſe, proceeded from their own Fears of the Canons and Court of* Rome, *and ſome private ends they then had. And by the ſpecial leave of the King, and both Houſes in plein Parliament, who were gratiouſly pleaſed to allow of their Proteſtations for their Indemnity, as Church-men, when they might have rejected their ſaid Proteſtations if they had pleaſed. With ſome Anſwers to the Objections of the Biſhop of* Lincoln.

1. IT is not *Prohibitum quia malum*; nor any way evil in it ſelf, no more than it is an evil thing in it ſelf to do Juſtice.

2. It was in uſe before the Law, when the eldeſt of the Family was King, Prieſt, and Prophet.

3. It was in uſe under the Law, and ſo continued in the Prieſts and Levites down to *Annas* and *Caiphas:* Nay after the Death of Chriſt, as appears by the Scourging of the Apoſtles, by the Stoning of *Stephen*, the directing of St. *Paul* to be ſmitten on the mouth, &c.

4. It was in uſe in the perſons of the Apoſtles themſelves, as in that Judgment given upon *Ananias* and *Saphira*, in the firſt of the *Acts*; In the Tradition to Sathan, as moſt of the Antient Fathers expound that Cenſure: And generally in all the Word of God there is no one Text that Inhibits Church-men, more than Lay-men, to uſe this kind of *Judicature.* For that Precept *to be no Striker*, 1 *Tim.* 3. 3. is no more to be appropriated unto a Biſhop, from the reſt of Chriſtian men, than that, *not given to Wine* or *Roaring* which immediately precedes the ſame.

In this *Iſland* it was in uſe before the *Romans* entered the ſame, when the *Druyds*, *Si cædes facta, pœnas conſtituunt*, gave all Sentences in Cauſes of Blood. *Cæſ. de bello Gallico lib.* 6. See Mr. *Selden's Epinomis Cap.* 2.

Nor is it like the *Romans* ſhould forbid it in Church-men, whoſe Pontifical Colledge, after the entertaining of the 12 Tables, medled in all matters of this kind, *Strabo Geograph. lib.* 4.

And it is not like, that the Chriſtian Religion excluded Biſhops in this Iſland from Secular Judicatures; conſidering that King *Lucius* is directed by the advice of his Council, to take out his Laws for the reigling of his Kingdom, *Ex utraque Pagina*, that is, out of the Old and New Teſtament, which could not be done in that Age, without the help of his Biſhops. See Sir *Hen. Spelmans* Councils, *pag.* 34. *ad Annum Domini* 185. And how the great Prelates amongſt the Antient *Britains* were wholly imployed in theſe kind of Secular Agitations, you may ſee by the Eccleſiaſtical Laws of

Howel Dha, ſet forth by Sir *Henry Spelman* in his Councils, *pag.* 408. *ad Annum Domini.* 940.

3. And a little before this *Howel Dha*, lived King *Æthelſtan.* In the 2 *Cap.* of whoſe Eccleſiaſtical Laws we have it peremptorily ſet down, *hinc debent Epiſcopi cum ſeculi Judicibus intereſſe judiciis*; and particularly in all Judgments of the Ordals, which no man that underſtandeth the word, can make any doubt to have been extended to the mutilation of Humane members. Sir *Henry Spelman's* Councils, *pag.* 405. *ad Annum Domini*, 928.

4. And that the Biſhops joyned alwayes with the Secular Lords in all theſe Judiciary Laws, and Acts, under the whole Reign of the *Saxons* and *Danes* within this Iſland, we may ſee by thoſe *Saxon* and *Daniſh* Laws (or rather Capitularies, which amongſt the *French* and *Germans*, do ſignifie a mixture of Laws, made by the Prince, the Biſhops, and the Barons, to reigle both Church and Common-wealth) ſet forth by Mr. *Lambert*, *Anno* 1568. ſee particularly the 9th *Chap.* of King *Edwards* Laws, *de his qui ad judicium ferri vel aquæ judicati ſunt per Juſtitiam Regis.* It is in Mr. *Lamberts* Laws, *fol.* 128.

And thus it continued in this Kingdom long after the Conqueſt, to wit in *Henry Beauclarks* time; after whoſe Reign it began firſt of all to be a little limited and reſtrained. For at *Clarindon*, *Anno Dom.* 1164. the 8th of the Calends of *February*, in the 11th year of *Henry* the 2. a general Record is agreed upon, by that Kings ſpecial Command, of all the Cuſtoms and Liberties of this Kingdom, ever ſithence *Henry* the firſt, that Kings Grand-Father, as you may ſee in *Matthew Paris*, *pag.* 96. of the firſt Edition, where amongſt other Cuſtoms agreed upon, this is one.

Arch-Biſhops, Biſhops, and all other Perſons of this Kingdom which hold of the King *in Capite*, are to enjoy their Poſſeſſions of the King as a Baronie, and by reaſon thereof are to anſwer before the Judges and Officers of the King, and to obſerve, and perform all the Kings Cuſtoms. And juſt as the reſt of the Barons, ought (for it was a duty the King then required from them, as the King now by his Summons doth from us) to be preſent in the Judgments of the Kings Courts, together with the reſt of the Barons, until ſuch time as they ſhall there proceed, to the mangling of members or Sentence of Death.

And here in the laſt words is a diverſity of reading. For *Matthew Paris* a young Monk, that lived long after, reads this Cuſtom thus; *Quouſque perveniatur ad diminutionem membrorum vel ad mortem.* Which may be wreſted to the firſt agitation of any Charge tending that way. But *Quadrilogus* (a Book written in that very Age) and the Copy of the Articles of *Clarindon* which *Becket* ſent to *Rome*, extant at this day in the *Vatican* Library, and out of the which, *Baronius* in his Annals *ad Annum* 1164, tranſcribes it, reads the Cuſtom thus; *Uſque perveniatur in Judicio ad diminutionem membrorum, &c.* which leaves the Biſhops to ſit there, until the Judgement come to be pronounced, amounting to Death, or mutilation of members.

And as this was agreed to be the Cuſtom, ſo was it the Practiſe alſo, after the 11th year, to wit in the 15th year of *Henry* the 2. At what time the Lay-Peers are ſo far from requiring the Biſhops to withdraw, that they endeavour to force them alone, to hear and determine a matter of Treaſon in the Perſon of *Becket*. *Stephanides* is my Author for this, who was a Chaplain and follower of that Arch-Biſhop. The Barons ſay (ſaith that

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Author) you Biſhops ought to pronounce Sentence upon your ſelves; we are Laycks, you are Church-men, as this fellow is; being his fellow-Prieſts and fellow-Biſhops. To whom ſome one of the Biſhops replyed, this belongs rather to you my Lords, than to us; for this is no Eccleſiaſtical, but a Secular Judicature. We ſit not here as Biſhops, but as Barons. *Nos Barones & vos Barones; hîc pares ſumus*, We Barons and you Barons, are all Peers in this place. And in vain it is, that you ſhould labour to find any difference at all in our Order or Calling, *&c.* ſee this M. S. cited by Mr. *Selden's* Titles of honour, the 2d Edition, *pag.* 705. And thus the Cuſtom continued until the 21 year of the ſame King *Henry* 2, at what time that Provincial Synod was kept at *Weſtminſter* by the Arch-Biſhop of *Canterbury*, and ſome few of his Suffragans, which *Roger Hoveden* mentions in his Hiſtory, *pag.* 543: And (it ſeems) *Gervaſius Dorobernenſis* which is a M. S. I have not ſeen. The quoting of this Monk in the Margin of that Collection of Priviledges which Mr. *Selden* by Command had made for the upper Houſe of Parliament, is the only ground of ſtirring up this queſtion againſt the Biſhops, at this preſent intended by Mr. *Selden* for a Priviledge for Biſhops; not for a Priviledge for the Lay-Peers, to be preſſed againſt Biſhops. The Canon runs thus.

It is not Lawful for ſuch as are Conſtituted in Holy Orders, *Judicium Sanguinis agitare*, to put in Execution Judgment of Blood; And therefore we forbid, that they ſhall either in their own Perſons, Execute any ſuch mutilation of Members, or Sentence them to be ſo acted by others. And if any ſuch Perſon, ſhall do any ſuch thing, he ſhall be deprived of the Office and Place of his Order and Function. We do likewiſe forbid under the peril of Excommunication, that no Prieſt be a Secular Sherif or Provoſt.

Now this is no Canon made in *England*, much leſs Confirmed by Common Law, or aſſented unto by all the Biſhops of the Province of *Canterbury*, or by any one of the Province of *York*; but Tranſcribed (as appears by *Hovedens* Margen) out of a Council of *Toledo*; which in the time that Council is ſuppoſed to be held (to wit the year of our Lord 660) was the leaſt Kingdom in *Spain*, and not ſo big as *York-ſhire*, and conſequently improper to reigle all the World, and eſpecially this remote Kingdom of *England*. Beſides, that as this poor Monk ſets it down, it doth Inhibit Church-men from being Hang-men, rather than from being Judges, or at the moſt, from being Judges to Condemn men, to be thus mutilated and mangled in their Members. An ordinary puniſhment of the *Gothes* and *Vandals*, who then lived in *Spain*; but never heard of here with us, of many years before the Reign of *Henry* 2d. And therefore not fitly preſſed to drive Biſhops from ſitting as Peers in the Caſe of the Earl of *Strafford*, who was not to be Sentenced to any mutilation of Members. True it is, that in the Council it ſelf, being the 11th Council of *Toledo*, and the 6th Canon, they are forbidden, *quod morte plectendum eſt, Sententiâ propriâ judicare*, to Sentence in any Cauſe, that is to be puniſhed by Death. Whereas in the 4th Council of *Toledo* under *Siſinandus*, held not long before, *Anno Dom.* 633. Canon, 31, It is ſaid, that the Kings do oftentimes commit to Prieſts and Biſhops their Judicature, *contra quoſlibet Majeſtatis obnoxios*, againſt all Traytors; howbeit from that time forward they are directed not to obey their King in this particular, unleſs they have him bound by Oath to Pardon the party, in Caſe they ſhall find Reaſon to mediate for

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him. And thus the Canon Law went in *Spain*, but nowhere elſe in Chriſtendom, in that Age.

But theſe Biſhops at *Weſtminſter* travailed not ſo far as *Toledo*, to fetch in this Canon into their Synod, but took it out of *Gratian*, then in vogue: (for he lived in the time of *Henry Beauclark*, Grand-Father to this *Henry* the 2d) who in the 2d part of his Decrees *Cap. Clericis*, ſaith thus, *Clericis in Sacris ordinibus conſtitutis, ex Concilio Toletano, judicium ſanguinis agitare non licet.* And ſo this Canon was fetch'd from *Spain*, into theſe other parts of Europe, five hundred years after the firſt making thereof upon this occaſion.

Pope *Gregory* the 7th, otherwiſe called *Hildebrand*, who lived in the time of *William* the Conqueror, having ſo many deadly quarrels againſt *Henry* the 4th, Emperor of *Germany*, to make his party good and ſtrong, laid the firſt ground (which his Succeſſors in their Canons cloſely purſued) to draw the Biſhops, and other great Prelates of *Germany*, *France*, *England* and *Spain*, from their Lay-Soveraignes, and Lay-Lords, to depend wholly upon him, and ſo by Colour and Pretence of Eccleſiaſtical Immunities, withdrew them from the Services of their Princes, in War, and Peace, and particularly from Exerciſing all places of Judicature in the Civil Court of Princes: To the which Offices they were by their breeding and Education more enabled, than the Martial Lay-Lords of that rough Age, and by their Fiefes and Baronies, which they held from Kings and Emperors, particularly Bound and Obliged. And therefore ſhall you find, that whereas the Biſhops of this Iſland before the Conqueſt, did ſtill joyn with the Kings and Alder-men & Lay-Lords, in the making and executing of all Laws whatſoever, touching deprivation of Life, or mutilation of Members; yet ſoon after, when the *Norman* and *Engliſh* Prelates, *Lanfranc*, *Anſelm*, *Becket* and the reſt, began to Trade with *Rome*, and as *Legati nati*, to Wed the Laws and Canons cryed up in *Rome*, and to plant them here in *England*, they withdrew by little and little the *Engliſh* Prelates from thoſe imployments by, and dependances upon, the Kings of *England*: And under the Colour of Exemptions, and Church Immunities, erected in this Land an Eccleſiaſtical Eſtate and Monarchie, depending wholly upon the Pope; inhibiting them to exerciſe Secular Imployments, or to ſit with the reſt of the Peers, in Judicatures of Life and Member, otherwiſe than as they liſt themſelves. And hence (principally) did ariſe thoſe great heats, between our *Rufus* and *Anſelm*, which *Edmerus* ſpeaks of, and thoſe Antient Cuſtoms of this Kingdom which *Henry* the 2d preſſed upon *Becket*, in the Articles of *Clarindon*, that the Prelates ought to be preſent in the Kings Courts, *&c.* Which Pope *Alexander*, a notable *Bouteſeu* of thoſe times in the Church of God, did tolerate though not approve of, as he apoſtyles that Article with his own hand, to be ſhewed to this day in the M. S. extant in the *Vatican* Library. And although I ſhall not deny, but the Popes did pretend Scripture for this Inhibition (as they did for all things elſe) and allude unto that place, 2 *Tim.* 3.4. which they backed with one of the Canons of the Apoſtles (as they call them) the 7th in Number; yet is it clear their main Authority is fetch'd from this obſcure Synod of *Toledo*; where 18 Biſhops only were convened under *Bamba* the *Goth*, who of a Plow-man was made a King, and of a King a cloiſtred Monk, as you may ſee in the Hiſtory of *Rodericus Santius*, *par.* 2. *cap.* 32. This is all the goodly ground, that either *Gratian* in his Decrees, or *Innocentius* the 3d in the Decretals,

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or *Roger Hoveden* in his Hiſtory, alledge againſt the Eccleſiaſtical Peers, and their ſitting as Judges in Cauſes of Blood; to wit this famous *Gothiſh* Council of *Toledo*.

The firſt that openly planted this Canon here in *England*, was *Stephen Langton*, a Cardinal, the Popes Creature (as his Holyneſs was pleaſed to ſtile him in his Bull) and thruſt upon the See of *Canterbury* by a Papal Proviſion, where he continued in Rebellion againſt his Soveraign, as long as King *John* lived. This Arch-Biſhop under Colour of Eccleſiaſtical Immunity (as this Canon is Marſhalled by *Lindwood*) at *Oſney* neer *Oxford*, did Ordain, *Ne quis Clericus beneficiatus, vel in ſacris ordinibus conſtitutus*, that no Clergy-man having a Benefice or otherwiſe in Holy Orders, ſhould preſume to be preſent in that place, *Ubi judicium ſanguinis tractatur, vel exerceatur.* And this is the firſt Canon Broached in this Kingdom, to this Effect: That of *Othobon* being ſubſequent in time, and a meer Forraign or Legatine Conſtitution. See it at large in *Lyndwoods Conſtitu. lib.* 3. at the end of the Book.

And by Vertue of a branch of this very Conſtitution, the now Arch-Biſhop 2 years ſithence, Fined the Biſhop of *Gloceſter* in the High Commiſſion, becauſe he had given way (in time of Peſtilence only) that a Seſſions (of Judgment of Blood) might be kept in a Sacred place; which was likewiſe Inhibited in this Canon. But this admits of a Multitude of Anſwers.

1. *Quod hæc Dictio, Clericus, ex vi verbi, non comprehendit Epiſcopum.* This word Clerk in the Canon Law, reacheth not to a Biſhop or a Peer of the Realm, ſaith *Lyndwood* in his third Book, *cap. de Locatis & Conductis.*

2. The Irregularity incurred by Judicature in Cauſes of Blood, is only *Jure poſitivo*, and therefore diſpenſable by the Pope, ſaith *Covarruvias in Clem. Si furioſus. Par.* 2. §. 5. *n°* 1. And here in *England* it is Diſpenſed with in Biſhops by the King, who in his Writs or Summons to the Parliament, Commands the Lords Spiritual, without any exception of Cauſes of Blood, to joyn in all Matters and Conſultations whatſoever, with the Temporal Peers of the Kingdom; theſe Summons being unto them a ſufficient Diſpenſation ſo to do.

And *Othobon* himſelf, Inhibiting other Clerks to uſe theſe Secular Judicatures, hath a *Salvo* to preſerve the Priviledges of our Lord the King, whereby he may uſe any of their Services, in that kind; when he ſhall ſee Cauſe; in the Title called *Ne Clerici juriſdictionem ſæcularem exerceant.* And *Lyndwood* in his Gloſs upon that Text doth inſtance, in the Clerks of the Chancery, and others. Nor are theſe Writs of the Biſhops Diſpenſations only, but Mandates alſo; and Biſhops have been Fined at the Kings-Bench, and elſewhere, for Abſenting themſelves from Counſels in Parliament (as now they are required to do) without the Kings ſpecial leave and Licence firſt Obtained.

3. When they are forbidden *Intereſſe* to be preſent, the meaning is, not (in the very Canons themſelves) that they ſhould go out of the Room, but only that they ſhould not be preſent, to add Authority, Help, or Advice, to any Sentence Pronounced againſt a particular individual Perſon, in a Cauſe of Blood, or mutilation of Members. If he be preſent *Authorizando, conſilium, opem, vel operam dando*, then he Contracts an Irregularity, and not otherwiſe, ſaith our *Lyndwood* out of *Innocentius*. And the Canon

reacheth no further, than to him that ſhall Pronounce Sentence of Death, or mutilation upon a particular Perſon. For Prelates that are of Council with the King, in Parliament or otherwiſe, being demanded the Law in ſuch, and ſuch a Caſe (without naming any individual Perſon) may Anſwer; *generaliter loquendo*; as, that Treaſon is to be puniſhed with Death; and a Counterfeiter of the Kings Coyn is to be Burned, *&c.* Cardinal *Hoſtienſis*, *lib. 2. cap. de fall. monet.* Allowed by *John Montague*, *de Collatione Parliamentorum in Tract at. Doctor. vol.* 10. *pag.* 121.

4. Theſe Canons are not in Force in *England* to bind the Subjects of this Kingdom, for ſeveral reaſons.

1. Becauſe they are againſt his Majeſties Prerogative, as you may ſee it clearly in the Articles of *Clarendon*, and the Writ of *Summons*; and therefore aboliſhed by the Statute of 25° of *Henry* the *8th.* It is his Majeſties Prerogative declared at *Clarendon*, that all ſuch Eccleſiaſtical Peers, as hold of him by Barony, ſhould Aſſiſt in the Kings Judicatures, until the very actual pronouncing of a Sentence of Blood. And this holdeth all along from *Henry* the firſt, down to the latter end of Queen *Elizabeth*, who imployed Arch-Biſhop *Whitgift* as a Commiſſioner upon the Life of a Perſonage, not to be named without Horror; and as the firſt keeper and examiner, of *Robert*, the moſt Noble Earl of *Eſſex*, after that Commotion in *London*. And to ſay, that this Canon is Confirmed by Common Law in this Kingdom, is a very Tale; there being nothing in all the Common Law that tends that way.

2. It hath been Voted in the Houſe of Commons this very Seſſions of Parliament, that no Canons ſithence the Conqueſt, either Introduced from *Rome*, by Legatine Power, or made in our Synods, never had, in any Age, nor yet have at this Inſtant, any Power to bind the Subjects of this Realm, unleſs they be Confirmed by Act of Parliament. Now theſe Canons which Inhibit the preſence of Church-men, in Cauſes that concern Life, and Member, were never Confirmed by any, but ſeem to be Impeached by diverſe, and ſundry Acts of Parliament.

3. The whole Houſe of Peers have this very Seſſion deſpiſed, and ſet aſide this Canon Law, which ſome of the young Lords cry up again, in the ſame Seſſion, and in the very ſame Cauſe, to take away the Votes of the Biſhops, in the Caſe of the Earl of *Strafford*. For by the ſame Canon-Law, that forbids Clergy-men to Sentence, they of that Coat are more ſtrictly Inhibited, to give Teſtimony in Cauſes of Blood. *Nec etiam poteſt eſſe Teſtis, vel Tabellio, in Cauſa Sanguinis*, ſaith *Lyndwood*, *fol.* 146. *pag.* 2. For no man co-operates more to a Sentence of Death, than the Witneſs, upon whoſe atteſtation the Sentence is principally Founded, ſaith *Lopez*, in his *Practica Criminalis*, *Cap.* 98. *Diſt.* 21. And yet have theſe Lords admitted as Witneſſes, produced by the Commons againſt the Earl of *Strafford*, the Arch-Biſhops of *Canterbury* and *Armache*, together with the Biſhop of *London*; the which Lords now Command all Biſhops to withdraw, in the Agitation of the ſelf-ſame Cauſe. Biſhops it ſeems may be Witneſſes to kill outright; but may not ſit in the Diſcuſſion of the Cauſe, to help (in Caſe of Innocency) a diſtreſſed Noble man; whereas the very *Gothiſh* Biſhops (who firſt invented this excluſion of Prelates from ſuch Judicatures) allow them to Vote, as long as there is any hope left of clearing the party, or gaining of Pardon, *Concil. Tolet.* 4. *can.* 31. And by the beginning of that Canon, obſerve the uſe in *Spain* in that Age

(*Anno*

(*Anno Dom.* 633) as touching this Doctrine. *Sæpe Principes contra quoſlibet Majeſtatis obnoxios, ſacerdotibus negotia ſua committunt.* You ſhall find it in the fourth Tome of *Binius* his laſt Edition of the Councils, *pag.* 592. Laſtly in the Caſe of Arch-Biſhop Abbot, all the great Civilians, and Judges of this Kingdom, as Dr. *Steward*, Sir *Henry Martin*, the Lord Chief Juſtice *Hobbart*, and Judge *Doderidge* (which two laſt were well verſ'd in the Canon Law) delivered poſitively, that all Irregularities introduced by Canons upon Eccleſiaſtical Perſons concerning matters of Blood, were taken away by the Reformation of the Church of *England*: And were repugnant to the Statute of 25 of *Henry* 8. as reſtraining the Kings moſt juſt Prerogative, to imploy his own Subjects in ſuch functions, and Offices, as his Predeceſſors had done; and to allow them thoſe Priviledges and Recreations, as by the Laws and Cuſtoms of this Realm they had formerly enjoyed: Notwithſtanding the Decree, *de Clerico venatore*, or the Conſtitution, *Ne Clerici ſæcularem juriſdictionem exerceant*, or any other in that kind.

The only Objection, which appears upon any Learning or Record, againſt Church-mens Voting in this Kingdom in Cauſes of Blood, are two, or three Proteſtations entred by the Biſhops amongſt the Records of the upper Houſe of Parliament, and ſome few paſſages in the Law-Books relating thereunto. The Proteſtation the Lords now principally ~~ſtood~~ ſtand upon, is that of *William Courtney* Arch-Biſhop of *Canterbury*, 11° *Ric.* 2. inſerted in the Book of Priviledges, which Mr. *Selden* Collected for the Lords of the upper Houſe. In the Margent whereof, that paſſage out of *Roger Hoveden* whereof we ſpake before, about Clergy-mens agitation of Judgments of Blood, is unluckily inſerted, and for want of due Conſideration of this point, and ſome ſuſpition of partial carriage in the Biſhops in the Caſe of the Earl of *Strafford*, hath been eagerly preſſed upon the Biſhops, by ſome of the Lords, in ſuch an unuſual, and unaccuſtomed manner; that if the Biſhop of *Lincoln* (who offered myſelf to ſpeak unto this Objection) had not voluntarily withdrawn himſelf, he, and the reſt of the Biſhops had been (without hearing) Voted out of the Houſe, in the Agitation of a Splinter of that Cauſe, of the Earl of *Strafford*, which came not neer any matter of Blood. An Act never done before in that Honourable Houſe, and ~~now~~ vindicated Executed ſuddenly, without the leaſt Conſideration of the merit of the Cauſe. The only words inſiſted upon in this Proteſtation of Courtney in queſtion, are theſe: Becauſe in this preſent Parliament certain matters are agitated, whereat it is not Lawful for us, according to the Preſcript of Holy Canons to be preſent; And by, and by after they ſay, theſe matters are ſuch, in the which *nec poſſumus*, *nec debemus intereſſe*, we neither can nor may be preſent.

This is the Proteſtation moſt ſtood upon; for that of Arch-Biſhop *Arundel*, 21 *Rich.* 2. (at what time the Biſhops going forth, left their Proxies notwithſtanding with the Lay-Lords, and conſequently continued preſent in Judicature, in the eye and Conſtruction of the Law) it is not ſo full, and ample as this of *Courtney's*. And therefore I ~~muſt~~ apply my Anſwers to this of Courtney Proteſtation principally, which are diverſe and fit to be weighed and underſtood.

Firſt, I do obſerve, that Biſhops never Proteſted or withdrew, in Caſes of Blood, but under the unſteddy Reign of *Richard* the Second only. Never before, never after the time, of that unfortunate King, from the Conqueſt

Conqueſt to this preſent Parliament, for ought appeareth in Record or Hiſtory. And that one Swallow ſhould make us ſuch a Spring, and one Omiſſion ſhould create a Law or Cuſtome, againſt ſo many Actions of the *Engliſh* Prelates, under ſo many Kings before, ſo many Kings and Queens after that young Prince, ſeems unto me a ſtrange Doctrine. Eſpecially when I conſider that by the Rules of the Civil and Canon Law, a Proteſtation dies with the Death of him that makes it; and is Regularly vacated, and diſannulled, *Per contrarium actum ſubſequentem proteſtationem*, by any one ſubſequent Act, varying from the tenour of the ſaid Proteſtation. *Reg. juris. Jo. Baptiſt. Nicolai. par.* 2. Now that you may know, how the Prelates carryed themſelves in this Point, and actually voted in Cauſes of Treaſon, and ſometimes to Blood, before *Richard* the 2*d*; I refer me to what I cited before out of Mr. *Selden* (and he out of *Stephanides*) concerning *Thomas a Becket*, Condemned by his Peers Eccleſiaſtical and Temporal, about 15 of *Henry* the 2*d*: Arch-Biſhop *Stratford* acquitted of high Treaſon in Parliament, by four Prelates, four Earls, and four Barons, under *Edward* the 3*d*. *Antiquitates Britanniæ, pag.* 223. 4 *Edward* 3: *Roger de Mortimer*, *Berisford*, *Travers*, and others, adjudged Traytors by the Earls, Barons and Peers, 16° *Edward* 3. *Thomas de Berkley* was acquitted of Treaſon, *in pleno Parliamento*, &c. And eſpecially I refer me to that Roll of 21 *Rich.* 2, n°. 10. & 50: Which avers that Judgments and Ordinances, in the time of that Kings Progenitors, had been avoided by the abſence of the Clergy; which makes the Commons thereto pray, that the Prelates would make a Procurator, by whom they might in all Judgments of Blood, be at the leaſt legally, if they durſt not be bodily preſent in ſuch Judgments. And then for the practice ſithence the Reign of *Rich.* the 2*d*; In the fifft of *Henry* the 4*th*, the Commons thank the Lords Spiritual and Temporal for their good and rightful Judgment in freeing the Earl of *Northumberland* from Treaſon. 3 of *Henry* the 5*th*. the Commons pray a Confirmation of the Judgment, given upon the Earl of *Cambridge*, by the Lords Spiritual and Temporal. 5 of *Henry* the 5*th*, Sir *John Oldcaſtle* is Attainted of Treaſon and Hereſie, by the Lords Spiritual and Temporal. 28 of *Henry* the 6*th*. the Duke of *Suffolk* charged with Treaſon, before the Lords Spiritual and Temporal; 31 *Henry* the 6*th*. the Earl of *Devon*; and ſo down to the Earl of *Briſtols* Caſe, wherein 22° Maij. 1626. ten Biſhops are joyned, with ten Earls, and ten Barons, in the diſquiſition and agitation of that ſuppoſed Treaſon. I leave it therefore to the Judgment of any indifferent man, whether theſe Proteſtations made all under one Kings Reign, and dying with the Parties that made them, can void a Right and Cuſtom, grounded by a continual Practice to the contrary, in all other Tryals that have been ſithence the Conqueſt, to this preſent Parliament.

Secondly, it is fitting we know, the Nature of a Proteſtation, which ſome peradventure may miſtake, *Proteſtatio eſt animi noſtri declaratio, juris acquirendi, vel conſervandi, vel damnum depellendi cauſa facta*, ſaith *Spiegelius*, *Calvin*, and all the Civilians. No Proteſtation is made by any man (in his Wits) to deſtroy his own Right (and much leſs another mans) but to acquire or preſerve ſome Right, or to avoid and put off ſome Wrong, that was like to happen to the party or Parties that make the Proteſtation. As here in *Courtneys* Proteſtation, the Prelates in the firſt place, conceive a Right and Power they had, voluntarily to abſent themſelves,

ſelves whilſt ſome matters were treated of, at that time in that Houſe of Lords; which by the Canon Law (the breach whereof the Popes of *Rome* did in thoſe times vindicate with far more ſeverity, than they did the tranſgreſſions of the Laws of God) they were not permitted to be preſent at; and all this, not for want of Right to be there in all Cauſes, but for honeſty, and preſervation of their Eſtates, as it is in the Act of Parliament, 11 *Rich.* 2. *for fear of papal Cenſures.*

In the ſecond place they did preſerve their former Right as Peers, which they ſtill had, (though voluntarily abſenting ~~of~~ themſelves) *More ſolito intereſſendi, conſiderandi, tractandi, ordinandi & definiendi*, all things without exception, Acted and Executed in that Parliament.

And in the Laſt place, they proteſt, againſt any loſs of Right, of being or Voting in Parliament, that could befal them, for this voluntary abſenting of themſelves at this time.

And where, in this Proteſtation, is there one word to prejudice their Succeſſors, or to authorize any Peer, to Command his fellow Peer, called thither by more Antient preſcription ~~of time~~, and by the ſame Writ of Summons, that himſelf is, to withdraw and go out from this Common Council of the Kingdom?

Thirdly, we do not certainly know, what theſe matters were, whereat Arch-Biſhop *Courtney* conceived the Prelates neither could, nor ought to be preſent. Theſe matters are left in looſe, and general words in that Proteſtation. Some conceive indeed, it was at the Condemnation of *Treſilian*, *Brambre*, the Lord *Beauchamp* and others. ~~See~~ *Antiquit. Brit. pag.* 286. But the notes of Priviledges belonging to the Lords (collected by Mr. *Selden*) do with more reaſon a great deal, aſſign this going forth of the Prelates, to be occaſioned, by certain Appeals of Treaſon, advanced in that Parliament, by the Duke of *Gloceſter*, againſt *Alexander* Arch-Biſhop of *York*; whom the Popiſh Canons of thoſe times (as you know) exempted, as a Sacred Perſon, from the cogniſance of King or Parliament; and therefore the reſt of the Biſhops as the ſquares went then, neither could, nor ought to be preſent, and parties, to break ~~upon~~ the Exemptions, Immunities, and Priviledges of that great Prelate. But the Earl of *Strafford* is not the Arch-Biſhop, but the Preſident of *York*; and to challenge any ſuch Exemptions, and Immunities from the cogniſance of the King or Parliament, amounts at this time to little leſs than Treaſon, ~~and~~ therefore is this Proteſtation very unſeaſonably urged, to thruſt out any Proteſtant Prelate from Voting in Parliament.

Laſtly, a Proteſtation in the Civil or Canon Law (for the Law of this Land knoweth it not) is but a Teſtation or Witneſſing before-hand of a mans own mind or Opinion, whereby we that Proteſt, provide to ſave, and preſerve our own Right for the time to come. It concludes no man beſides our ſelves, no Stranger to this Act, no Heir, no Succeſſor; but (if it be admitted) ſticks, as inherent in the Singular, and individual Perſon, until either the Party dies, or the Proteſtation be withdrawn, and revoked. And therefore what is a Proteſtation made by *William Courtney*, to *William Land*? or by *Thomas Arundel*, to bind *Thomas Morton*? And what one Rule in the Common Law of the Land, in the journal Book, or in the Records of the Town, can be produced to exclude the Lords Spiritual from ſitting and Voting in Cauſes of Blood? They were ſometimes (by the great favour of the King, the Lords, and the Commons, not otherwiſe)

therwiſe) permitted to abſent themſelves; never, before this time, Commanded by the Lay-Lords, to forbear their Votes, in any Cauſe whatſoever, that was agitated in Parliament. So our Law-Books ſay, that the Prelates by the Canon Law may make a Procurator in Parliament when a Peer is to be Tryed, which is enough to ſhew their Right thereunto, 10 *Edward* the 4th, *fol.* 6. *B. placit.* 17. And that, it is only the Canon-Law, that inhibits them to Vote in Sanguinary Cauſes. *Stamford* pleas of the Crown, *fol.* 59. The Canon Law, ſaith *Stamford*, ~~in~~ a diſtinct and ſeparated Notion; and therefore not grown in his Age, to any ſuch Uſance or Cuſtom, as made it Common Law, or the Law of this Land. *Objection.* ~~But the Biſhop of *Lincoln*~~ (and Biſhop *Andrews* ~~before him~~) did ~~always~~ forbear to Vote in Cauſes of Blood, and did voluntarily retire out of the Houſe ~~when this Cauſe of the Earl of *Strafford* came to any ſerious Agitation. Neither putting this withdrawing of the Prelates to any Vote,~~ not offering to enter any Proteſtation.

Anſwer. ~~That Biſhop had no opportunity to enter Proteſtations, which~~ you ſhall never find to have been offered by the Prelates, but in Plein Parliaments, when the three Bodies are together. And his voluntary withdrawing of himſelf, he may live to Repent him of, if he ſhall hereafter be queſtioned for the ſame, at the Kings-Bench or elſewhere. He was called thither by his Writ (which he did not ſo eaſily Obtain) to ſit, and not to withdraw himſelf from Parliament, when he pleaſed. Beſides his extraordinary Obligations to the Lords, at this time whom he could not offend without great ſuſpicion of high Ingratitude. He is the firſt Prelate that ever was fetched out of the Tower, and brought to ſit in Parliament by the Black-Rod. And therefore we are not ſo much to conſider that Prelates Opinions, or Actions in this kind; as the reaſons he gave for the ſame, which (as I have heard them Rehearſed) are, to ſpeak modeſtly of them, no Demonſtrations. His firſt and main Reaſon, was that of the Record and Statute of 11 *Rich.* the 2*d.* That it is the Honeſty of that Calling, not to intermeddle in matters of Blood. The *French* word *Honeſteté*, ſignifies decency and Comlineſs; as though it were a Butcherly and loathſome matter to be a Judge, or to do Right upon a Malefactor, to Death or loſs of Members. But this is an Imaginary decency, never known in Nature or Scripture, (as I ſaid before) but begotten by Ignorance in the dark Fog and Miſts of Popery. Such an Honeſty of the Clergy it was, to have a Shaven Crown, to depend upon their Holy Father the Pope, to Plead Exemptions, and to refuſe to Anſwer for Felonies, in the Kings Courts, *&c.* All theſe Particulars were eſteemed in thoſe dayes, the *Honeſteté* of the Clergy; and ſuch an Honeſty it was in the Prelates of *England* in the looſe Reign of *Rich.* the 2*d.* to abſent themſelves when they liſted, from this Aſſembly of the Eſtate, contrary to the Kings Commands in the Writs of Summons, and to the duties of their places, as Peers of Parliament. ~~Howbeit they ſhewed more Courteſie (or more Wit at the leaſt) than our preſent Prelates;~~ for they never offered to retire themſelves in thoſe dayes, before their Proteſtation was benignly received, and ſuffered to be entred upon the Parliament Roll, by the King, and the Lords, and the Houſe of Commons. ~~The Second Reaſon of this Prelate, is of the ſame Nature, and built upon a *Medium* of Sands which is ſoon undermined and waſhed away. That although he~~ doubted not of

the

the Legality or Comlineſs, ~~of~~ for an Eccleſiaſtical Peer of the Kingdom of *England*, to Vote in a Judgment of Blood ~~as~~ they ~~do~~ continually in the paſſing of all Appeals and Attainders in Parliament; yet, becauſe it is not the practice of Prelates in other parts of the Chriſtian ~~World~~ Church ſo to do; ~~he~~ thought it better to avoid Scandal and the talk of other Nations: That there being in the High Courts of Parliament and Star-Chamber Judges enough beſides the Prelates, they might without any prejudice to King or Countrey, forbear Voting in theſe Judicatures. Somewhat the rather, becauſe all our Biſhops in *England* are Divines, and Preachers of the Goſpel; and conſequently ~~of~~ to be employed in mercy rather than ~~of~~ Judgment. Who never touch upon the ſharpneſs of the Law, unleſs it be to prepare mens hearts to receive the Comfort of the Goſpel.

But this Prelate cannot but know, that theſe Canons that Oppoſe the Kings Prerogative, are taken away in the Kingdom of *England* by the Statute of 25 *Henry* the 8*th*, which they are not elſewhere. And this Biſhop (if he have not forgot it) was taught all this in the Caſe of Irregularity purſued againſt Arch-Biſhop *Abbots*, when this Biſhop fearing the Cenſure of the *Sorboniſts* in *Paris*, refuſed to be Conſecrated by *Abbots*; unleſs he the ſaid *Abbots* would procure himſelf abſolved from that Irregularity, which he had Contracted, in killing a man by Chance-medly, which he was enforced at the laſt to do; this other Prelate (being then in his riſing and warm Blood, and liking better of many good Benefices, than of one mean Biſhoprick) refuſing ſtiffly to be made Biſhop of *Lincoln* upon any other Condition.

For Biſhops making of Procurators in Cauſes of Blood.

IT doth not appear that Biſhops ever made Proteſtations, or withdrew in Caſes of this Nature, before the 11th, nor after the 21*ſt* of *Rich.* the 2*d*.

And yet the Attainders in the 11*th* year, are afterwards ratified by the Conſent of the Lords Spiritual, 11 *Rich.* 2. as you ſee by their Act of conſent, *Rott.* 11 *Rich.* 2. n°. 38. And the Printed Statutes.

And in his twenty firſt year they made Procurators, firſt, *Thomas Percy* in Writing, 21 *Rich.* 2. n°. 9. where you have his Proxie ſet down in *Latine*; and then *Scrop* Earl of *Worceſter*, by word of mouth. As the *Roll* is 21 *Rich.* 2. n°. 50. where *Scrop* gives Sentence in the like Cauſes by vertue of that Procuration as the *Roll* ſaith.

And that this Proxie of the Prelates was not left with a Lay-man, for the diſpatch of other Civil Cauſes only, but for Judgments of Blood alſo, it is appealed to all Hiſtories and Law-Books, that have been Written from that time to this preſent day.

Thomas of *Walſingham* Lived under *Henry* the 6*th*, and he ſaith, that it was exacted of the Prelates (for it was not their own ſeeking,) as you may ſee upon the *Rolls*, that becauſe they could not be preſent in Judgments of Blood, their Procurator (upon the like occaſion) might aſſent unto ſuch a Buſineſs, *Walſing.* in *Rich.* 2. *pag.* 354. So likewiſe in his *Hypodigma Neuſtria*, *pag.* 550.

Little-

Littleton Lived under *Edward* the 4*th*, and he pronounceth for himſelf, and all his fellow Judges; That the Lords Spiritual who cannot conſent to the Death of a man, ſhall make a Procurator in the Parliament, before the Steward is to proceed to gather Votes, *&c.* The Year-Book, 10 *Ed.* the 4*th*, n°. 17.

Stamford Lived under *Henry* the 8th, *Edward* the 6*th*, Queen *Mary*. And he ſaith clearly, That when a Peer is Indicted of Treaſon, or Felonie in Parliament, the Lords Spiritual ſhall make a Procurator for them. *Stam. Pleas* of the Crown, *lib.* 3. *pag.* 153.

Mr. *John Selden* Lives ſtill, than whom (peradventure) there Lived not an abler Lawyer in both the Laws, from the 21*ſt* of *Richard* the 2*d*, to this day. And he ſaith that the Clergy by reaſon of the Canon Laws (not the Common Laws) abſented themſelves ſometimes from ſuch Judgments, and committed their whole Intereſt for the time to a Lay-Proxie. *Tit.* of Honour 2*d* part *pag.* 704.

Laſtly, for the Canon-Law in this point, it is not only diſpenſed withal by the Kings Summons to his Prelates, but by the Lords themſelves in this very Cauſe of the Earl of *Strafford*; by their examining of the two Arch-Biſhops, and a Biſhop for Witneſſes in the ſaid Cauſe; which is no leſs forbidden in the Canon Law, than to Judge in Cauſes of Blood, *Lyndwood. Fol.* 146. *pag.* 2.

When the effect of this Paper was opened, and the Records, and all the Books produced by the Biſhop of *Lincoln*, who had been in the Tower to ſearch the ſaid Records, the Lords declared and ordered, that they would uſe no Proxies of their own in this Tryal; with a *Salvo* of their Right againſt any other time. And thereupon the ſaid Biſhop (finding the Inclination of the Houſe, and Timidity of his Brethren) offered the like Declaration, with the like *Salvo*, in point of Right, for the Lords the Biſhops, which was accepted of, and entered into the Book, the Biſhop of *Lincoln* dictating the ſame.

The

THE Bishop of Lincoln's ARGUMENTS,

That Bishops ought not to Vote in Parliament, With the Answers thereunto.

Arg. I. *Because it is a very great hindrance to the Exercise of their Ministerial Function.*

Answer, 1. It is not so much hindrance, as their conveneing in General Councils, Synods, Convocations, Assemblies, Classes, and the like in all the Churches Reformed or otherwise.

2. It is *propter majus bonum Ecclesiæ.*

3. The Apostles unnecessarily put themselves to more hindrances, to work for their livelyhood, *Acts* 20. 24. 1 *Thes.* 2. 9. 2 *Thes.* 3. 8.

Arg. II. *Because they do vow and undertake at their Ordination, when they enter into Holy Orders, that they will give themselves wholly to that Vocation.*

Answer, 1. This Vow and undertaking in Ministers Ordination is quite mistaken; the words are in the Bishops exhortation, not in the Ministers Answer.

2. The Bishop hopes they will give themselves wholly to that, and not to any other Trade or Vocation.

3. Wholly, in a Moral, and not in a Mathematical sense that will admit of no Latitude.

Arg. III. *Because Councils and Canons in several Ages do forbid them to meddle in Secular Affairs.*

Answer. 1. Councils and Canons against Bishops Votes in Parliament were never in use in this Kingdom, and therefore

they are aboliſhed by the Statute of 25 *Henry* the 8*th*.

2. So are they by the ſame Statute, becauſe the Lords have declared, That the Biſhops Vote here by the Laws and Statute of this Realm; And all Canons that Croſs with theſe are there aboliſhed.

3. So are they by the ſame Statute, as thwarting the Kings Prerogative, to call Biſhops by Summons to Vote in Parliament.

4. So are they by the Vote in the Houſe of Commons, 21 *Maij*. 1641, Becauſe they are not Confirmed by Act of Parliament.

5. This Argument was deſerted by Mr. *Perpoint*, and confeſt to be but an *Argumentum ad hominem*.

Arg. IIII. *Becauſe the twenty four Biſhops have a dependancy upon the Arch-Biſhops, and becauſe of their Oath of Canonical obedience to them.*

Anſwer. 1. They have no dependancy upon the Arch-Biſhops, but in points of Appeal and Viſitation only, and owe them no Obedience but in theſe two points; None at all in Parliament, where they are *Pares*, they are equals, and as *Bracton* tels us, *Par in Parem non habet imperium*. What hath Canonical Obedience to do with a Vote in Parliament, declared in this Bill to be no Eccleſiaſtical but a Secular Affair?

2. This Argument reacheth not the two Arch-Biſhops, diſcharged in the Rubrick from this Oath, and therefore is no Reaſon for the paſſing of this Bill.

Arg. V. *Becauſe they are but for their Lives, and therefore are not fit to have Legiſlative Power over the Honours, Inheritances, Perſons and Liberties of others.*

Anſ. 1. Biſhops are not for their Lives only, but for their Succeſſors alſo, in their Land and Honour: As the Earls and Barons alſo are for their Succeſſors in their Lands and Honours, and holding their Lands in Fee-Simple, may with as good reaſon Vote in the Honour, Inheritance, Perſons and Liberties of others, as others may and do in theirs.

2. Many Peers have been Created for their Lives only, and the Earl of *Surrey* for the Life of his Father, who yet Voted in this Houſe.

3. The Knights Citizens and Burgeſſes are choſen for one Parliament only, and yet uſe their Legiſlative Power, nor will their being Elected difference their Caſe; for the Lords uſe that Power in a greater eminency, who are not Elected.

4. A

4. A Burgeſs that hath a free-hold but for term of Life only, may Vote and aſſent to a Law in Parliament.

5. No ſuch exception ever heard of in the Diets of *Germany*, the *Corteſes* of *Spain*, or the three Eſtates in *France*, where the Prelates Vote in all theſe points with the Nobility and the Commons.

Arg. VI. *Becauſe of Biſhops dependancy and expectancy of Tranſlations to places of greater profit.*

Anſw. 1. This Argument ſuppoſeth all Kings and all Biſhops to be very faulty, if they take the time of their Votes in Parliament from theſe dependancies and expectancies.

2. This may be ſaid of all the Kings great Officers, of all the Noble Members of both Houſes, who may be conceived as well as Biſhops to have their Expectancies, and conſequently to be deprived by this Reaſon of Voting in Parliament.

3. This Argument reacheth not at the two Arch-Biſhops, and ſo falls ſhort of the Votes which are to be taken away by this Bill.

Arg. VII. *That ſeveral Biſhops have of late much encroached upon the Conſciences and properties of the Subjects, and they and their Succeſſors will be much encouraged ſtill to encroach, and the Subjects will be much diſcouraged from Complaining againſt ſuch encroachments, if 26 of that Order be to be Judges upon theſe Complaints. The ſame Reaſon extends to their Legiſlative Power in any Bill, to paſs for the regulation of their Power, upon any emergent inconveniency by it.*

Anſw. 1. This Argument fights not againſt Biſhops Votes in Parliament, but againſt their Votes in Convocation, where (if any where) they have encroached upon the Conſciences and Properties of the Subject. Nor yet at the Votes of ſuch Biſhops there as are not guilty of this Offence. Nor need the Subject to be diſcouraged in Complaining againſt the like Grievance, though 26 of that Order continue Judges; for they ſhall not Vote as Judges in their own Cauſe, when they are Legally Charged: And if they ſhould Vote, what were that to the purpoſe, when the Lay-Peers are ſtill four to one? The Biſhops (Aſſiſted with a double Number of Mitred Abbots and Priors) could not hinder the Laws made againſt the Court of *Rome*, the Alien Cardinals and Prelates, the Proviſors, the Suiters to the Popes Conſiſtory under *Edw. 3d*, *Rich. 2d*, and *Hen. 4th*, Much more may thoſe emergent exhorbitances of the Eccleſiaſtical

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Juriſdiction be ſoon curbed and redreſſed in this inequality of Votes between the Temporal and Spiritual Lords. So as this Argument doth not ſo much hurt the Votes, as it quails the Courage of the Biſhops, who may juſtly fear, by this and by the next Argument, that the taking away of their Votes is but a kind of forerunner to the aboliſhing of their Juriſdiction.

Arg. VIII. *Becauſe the whole Number of them is intereſſed to maintain the Juriſdiction of Biſhops, which hath been found ſo grievous to the three Kingdoms, that* Scotland *hath utterly aboliſhed it, and Multitudes in* England *and* Ireland *have Petitioned againſt it.*

Anſw. 1. This Argument is not againſt the Vote of Biſhops, but againſt Epiſcopacy it ſelf, which muſt be removed becauſe *Scotland* hath done ſo, and ſome in *England* and *Ireland* would have it ſo, and yet peradventure ten times as great a Number as theſe deſire the contrary.

2. There will be found Peers enough in the Upper-Houſe, to reform any thing that is amiſs in the Eccleſiaſtical Juriſdiction, although the twenty ſix Prelates ſhould be ſo wicked as to oppoſe it; as there were found Peers enough in that Noble Houſe to curb the Court of *Rome*, and the Revenues of the Cardinals under *Edw.* 3*d*, to meet with the Proviſors under *Ric.* 2*d*, to put all the Clergy into a *Præmunire* under *Hen.* 8, and to Reform the Religion 1° *Elizabeth*, notwithſtanding the Oppoſition of all the Biſhops.

Arg. IX. *Becauſe the Biſhops being Lords of Parliament, it ſetteth too great a diſtance between them and the reſt of their Brethren in the Miniſtry which occaſioneth pride in them, diſcontent in others, and diſquiet in the Church.*

Anſw. This is an Argument from Moral Philoſophy which affords no Demonſtrations. All are not proud that vote in Parliament, nor diſcontented that are not ſo imployed. This Argument fights only againſt their title of being Lords, which is not the Queſtion at this time.

FINIS.